

§ 142.63

that the devices provide health protection equivalent to that provided by central water treatment.

(3) The public water system must apply effective technology under a State-approved plan. The microbiological safety of the water must be maintained at all times.

(4) The State must require adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-use and/or point-of-entry devices.

(5) The design and application of the point-of-use and/or point-of-entry devices must consider the potential for increasing concentrations of heterotrophic bacteria in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contactor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.

(6) The State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected.

(7) In requiring the use of a point-of-entry device as a condition for granting an exemption from the treatment requirements for lead and copper under §§141.83 or 141.84, the State must be assured that use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

[56 FR 3596, Jan. 30, 1991, as amended at 56 FR 26563, June 7, 1991; 57 FR 31848, July 17, 1992; 59 FR 33864, June 30, 1994; 59 FR 34325, July 1, 1994; 66FR 7066, Jan. 22, 2001; 69 FR 38857, June 29, 2004]

§ 142.63 Variances and exemptions from the maximum contaminant level for total coliforms.

(a) No variances or exemptions from the maximum contaminant level in §141.63 of this chapter are permitted.

(b) EPA has stayed the effective date of this section relating to the total coliform MCL of §141.63(a) of this chapter for systems that demonstrate to the State that the violation of the total coliform MCL is due to a per-

40 CFR Ch. I (7–1–10 Edition)

sistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system.

[54 FR 27568, June 29, 1989, as amended at 56 FR 1557, Jan. 15, 1991]

§ 142.64 Variances and exemptions from the requirements of part 141, subpart H—Filtration and Disinfection.

(a) No variances from the requirements in part 141, subpart H are permitted.

(b) No exemptions from the requirements in §141.72 (a)(3) and (b)(2) to provide disinfection are permitted.

[54 FR 27540, June 29, 1989]

§ 142.65 Variances and exemptions from the maximum contaminant levels for radionuclides.

(a)(1) Variances and exemptions from the maximum contaminant levels for combined radium-226 and radium-228, uranium, gross alpha particle activity (excluding Radon and Uranium), and beta particle and photon radioactivity.

(i) The Administrator, pursuant to section 1415(a)(1)(A) of the Act, hereby identifies the following as the best available technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in §141.66(b), (c), (d), and (e) of this chapter, for the purposes of issuing variances and exemptions, as shown in Table A to this paragraph.

TABLE A—BAT FOR RADIONUCLIDES LISTED IN § 141.66

Contaminant	BAT
Combined radium-226 and radium-228.	Ion exchange, reverse osmosis, lime softening.
Uranium	Ion exchange, reverse osmosis, lime softening, coagulation/filtration.
Gross alpha particle activity (excluding radon and uranium).	Reverse osmosis.
Beta particle and photon radioactivity.	Ion exchange, reverse osmosis.

(ii) In addition, the Administrator hereby identifies the following as the best available technology, treatment techniques, or other means available